



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Amena Saied et al. :
Serial No.: 09/600,073 : Art Unit: To be assigned
Filed: July 11, 2000 : Examiner: To be assigned
For: METHOD FOR EXPLORING : Atty Docket: 1029/00205
AND DISPLAYING TISSUE :
OF HUMAN OR ANIMAL :
ORIGIN FROM A HIGH :
FREQUENCY :
ULTRASOUND PROBE

RENEWED PETITION UNDER 37 CFR § 1.47(a)

Commissioner for Patents
Washington, D.C. 20231

Sir:

On February 5, 2001, Applicants filed a Petition under 37 CFR § 1.47(a) along with (1) the fee under 37 CFR § 1.17(h), (2) factual proof that the non-signing inventor refuses to execute the application, (3) a statement of the last known address of the non-signing inventor, and (4) an oath or declaration executed by each available inventor on this or her own behalf and on behalf of the non-signing inventor.

On June 12, 2001, a Decision on Petition acknowledged that Applicants had fulfilled requirements (1), (3), and (4) above, but the Decision dismissed the Petition on the ground that the petitioner did not demonstrate that a *bona fide* attempt was made to present a copy of the application papers, including specification, claims, drawings, and declaration to the non-signing inventor.

In this respect, Applicants submit herewith a Transmission of Supplemental Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor and a Supplemental Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor, with Exhibit A and a verified translation of Exhibit A.

As Applicants believe that requirements (1)-(4) mentioned above, have been fulfilled, it is respectfully requested that a favorable Decision be granted.

As acknowledged in the Decision on Petition, no additional petition fee is required, however, the Director is hereby authorized to charge any deficiency associated with this communication, or credit any overpayment, to Deposit Account No. 22-0185.

Respectfully submitted,



Morris Liss, Reg. No. 24,510
Connolly Bove Lodge & Hutz LLP
1990 M Street, N.W.
Washington, D.C. 20036-3425
Telephone: 202-331-7111

Date: 9/6/01



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:

**TRANSMISSION OF SUPPLEMENTAL STATEMENT OF FACTS IN SUPPORT
OF FILING ON BEHALF OF NON-SIGNING INVENTOR (37 CFR § 1.47(a))**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith under 37 CFR § 1.47(a) is a Supplemental Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor. Particularly, the Supplemental Statement contains the following information:

1. The details of efforts made to reach the non-signing inventor; and
2. Exhibit A: cover letter of mailed patent application papers to non-signing inventor.

DEPOSIT ACCOUNT AUTHORIZATION

It is not believed that extensions of time or other fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary, then any fees required for

consideration of this paper are hereby authorized to be charged to our Deposit Account
No. 22-0185.

Respectfully submitted,



Morris Liss, Reg. No. 24,510
Connolly Bove Lodge & Hutz LLP
1990 M Street, N.W.
Washington, D.C. 20036-3425
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**SUPPLEMENTAL STATEMENT OF FACTS IN SUPPORT OF FILING ON
BEHALF OF NON-SIGNING INVENTOR (37 CFR § 1.47(a))**

Commissioner for Patents
Washington, D.C. 20231

Sir:

This supplemental statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration by the non-signing inventor for the above-identified patent application.

This statement is being made by the available person having firsthand knowledge of the facts recited herein and is identified as follows:

Chantal Peaucelle

Name

Cabinet Armengaud Aîné, 3, Avenue Bugeaud

Street Address

75116 Paris, France

Postal Code, City, Country

DETAILS OF EFFORTS TO REACH NON-SIGNING INVENTOR

1. The details of efforts to reach the non-signing inventor, as outlined in the original Statement of Facts, filed February 5, 2001, is incorporated herein by reference.

2. On July 23, 2001, the undersigned sent a copy of the application by registered mail to the non-signing inventor, Michel Puech, including specification, claims, drawings, and Declaration. The cover letter accompanying the application is attached and identified as Exhibit A. The verified translation of the cover letter is attached.

2. On July 27, 2001, the undersigned phoned the non-signing inventor at his office and spoke with his secretary, Anne Marie, who took a message that I would call again in pursuit of Mr. Peuch executing the Declaration of the application papers I previously sent.

3. The non-signing inventor returned the phone call and indicated that he had received the mentioned patent application papers but has been repeatedly told by his attorney, Mr. Francis Ahner, of the French patent law firm Cabinet Regimbeau, to refuse to sign. The reason for the refusal is the fact that Mr. Peuch filed a separate application in the U.S. on his own behalf.

4. To date, the patent application papers with executed Declaration has not been returned to either the Assignee or the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001

and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Cabinet Armengaud Aîné

Date: Sept. 6, 2001



By: Chantal Peaucelle

Alain ARMENGAUD AINÉ
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Chantal PEAUCELLE
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Caroline de BONTIN

C O P I E

CABINET **ARMENGAUD AINÉ** FONDÉ EN 1836

Société Civile Professionnelle de Conseils en Propriété Industrielle
Patent and Trade Mark Attorneys

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Monsieur M. PUECH
14, avenue de Breteuil

75007 PARIS

Exhibit A

Paris, le

23 juillet 2001

v/réf. : CP/59255-1163
n/réf. : RECOMMANDÉE A.R.

Pièces annoncées :

Demande de brevet U.S. 09/600 073 du 11 juillet 2000 - Phase nationale de la demande
PCT/FR99/00040 du 12 janvier 1999

« Method for exploring and displaying tissue of human or animal
origin from a high frequency ultrasound probe”

Monsieur,

Ainsi que vous en avez été informé, vous êtes mentionné comme co-inventeur dans les différents dépôts effectués par le CNRS pour protéger l'invention en référence.

La Sté FIST vous a déjà adressé, aux fins de signature par vous-même, le document « Declaration and Power of Attorney » signé auparavant par Mmes BERGER et SAIED et M. LAUGIER pour régulariser le dépôt effectué aux Etats-Unis.

Ce document ne nous ayant pas été retourné, nous vous communiquons ce jour copie de la Déclaration signée par les trois co-inventeurs ci-dessus, et vous serions obligés de nous le renvoyer avec votre signature pour le **5 Août 2001 au plus tard**, de préférence pour le **1^{er} Août**.

Nous joignons à cette Déclaration copie de la description, des revendications, des dessins tels que déposés.

Nous vous prions d'agréer, Monsieur, nos salutations distinguées.

Chantal PEAUCELLE
Chantal PEAUCELLE

P.J. : 1 Déclaration + 1 description + revendications + dessins



VERIFIED TRANSLATION OF EXHIBIT A
Cover letter of mailed patent application papers to non-signing inventor

23 July 2001

U.S. patent application 09/600,073 of 11 July 2000 - National Phase of
PCT/FR99/0040 of 12 January 1999

«Method for exploring and displaying tissue of human or animal origin from a high frequency ultrasound probe”

Sir,

As you have been informed, you have been listed as a co-inventor in the various applications filed by CNRS for protecting the referenced invention.

FIST has already sent you, for adding your signature, to the «Declaration and Power of Attorney» that have already been signed by co-inventors Berger and Saied and M. Laugier for completing the requirements of the application in the U.S.

The documents we sent have not been returned, and we are sending you today copies of the Declaration signed by the three co-inventors identified above and we ask that you send back the papers with with your signature prior to 5 August 2001, preferably by 1 August.

We are attaching to the Declaration a copy of the description, claims, and drawings as filed.

Thank you for your cooperation.

Chantal Peaucelle

Enclosures: 1 Declaration + 1 specification + claims + drawings

VERIFICATION

The undersigned, being conversant in the French and English languages, hereby verifies that the attached English-language translation is a true and accurate translation of the July 23, 2001, letter identified as Exhibit A.



Morris Liss